

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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| Applicant(s): | Michael M. Iwatake (et al.) | Examiner: | Anh D. Mai |
| Serial No.: | 10/711,298 | Group Art Unit: | 2814 |
| Filed: | September 9, 2004 | Attorney Docket No: | FIS920040156 |
| Title: | VIA CONTACT STRUCTURE HAVING DUAL SILICIDE LAYERS | | |

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE COMMUNICATION

Sir:

This paper is submitted in response to an Office Communication mailed May 26, 2009 by the United States Patent and Trademark Office in connection with the above-identified Application.

The May 26, 2009 Office Communication cites US Patent No. 5,565,708 as an English equivalent of the foreign prior art JP-08-107087, per order of the Board of Patent Appeal and Interferences ("Order") mailed March 25, 2009.

Appellants take notice that the March 25, 2009 Order requires a "full certified English language translation" of the foreign prior art JP-08-107087 rather than an English equivalent. Appellants also take notice that the cited US Patent No. 5,565,708 has not been certified as a true full English language translation of JP-08-107087.

In fact, without performing a full analysis of the entire content of US Patent No. 5,565,708, Appellants have found that at least in one place US Patent No. 5,565,708 does not seem to provide a true translation of JP-08-107087. More specifically and to the best knowledge of Appellants, col. 9, line 61 – col. 10, line 11 of US Patent No. 5,565,708 is believed to correspond to col. 12, lines 16 - 29 of JP-08-107087. However, Appellants were not able to find the following English description of “in a conventional manner employing conventional deposition, photolithographic and etching techniques” (from US Patent No. 5,565,708) in the corresponding paragraph of JP-08-107087.

No fees are believed to be due in connection with this communication. However if there are any such fees due, please charge any such fees to the deposit account 09-0458.

Respectfully submitted,

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Dated: May 27, 2009

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